

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA**

HELENA DIVISION

MAKUEEYAPEE D. WHITFORD,

Plaintiff,

vs.

JIM SALMONSEN,

Defendant.

CV 22-70-H-SEH

**RULE 4 NOTICE OF A LAWSUIT
AND REQUEST TO WAIVE
SERVICE OF SUMMONS**

To: Jim Salmonsens (via email)
Dept. of Corrections
5 S. Last Chance Gulch
Helena, MT 59620

A lawsuit has been filed against you in this Court under the number shown above. A copy of the Complaint is attached.


This is not a summons or an official notice from the Court. It is a request that, to avoid the cost of service by the U.S. Marshals Service, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must file the signed waiver within 30 days from the date shown below, which is the date this notice was sent.

If you file the signed waiver, the action will then proceed as if you were served on the date the waiver is filed, but no summons will be served on you, and

you will have 60 days from the date this notice is sent to answer the Amended Complaint. If you do not return the signed waiver within the time indicated, the Court will order the U.S. Marshals Service to personally serve you with the summons and Complaint and may impose the full costs of such service.

Please read the statement below about the duty to avoid unnecessary expenses.

DATED this 15th day of September, 2022.



SAM E. HADDON
United States District Judge

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

“Good cause” does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant’s property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.